

**RULES AND REGULATIONS  
FOR THE  
SUBMISSION OF PETITIONS AND PLANS  
OF SUBDIVISION  
FOR THE TOWN OF  
EAST LONGMEADOW, MASSACHUSETTS**

**CERTIFIED TO BE A TRUE COPY  
TOWN OF EAST LONGMEADOW**

**DEC 06 2019**

  
**TOWN CLERK**

Reprinted January 1, 1982  
to include amendments from June 11, 1965  
through January 2, 1982

Revised April 23, 1985  
Revised December 10, 1985  
Revised August 15, 1989  
Fully revised and adopted April 25, 2000  
Revised May 22, 2001  
Revised November 19, 2019

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## AMENDMENTS

November 19, 2019	SECTION VI - DESIGN STANDARDS, 6.3 Sidewalks, 7.2.5 Sidewalks (typo)
November 19, 2019	SECTION VII - CONSTRUCTION STANDARDS, 7.2 Roadway Construction Standards, 7.2.5 Sidewalks (typo)
November 19, 2019	SECTION VII - CONSTRUCTION STANDARDS, 7.2.5 Sidewalks (delete "may", insert "shall", delete "one or")
November 19, 2019	Amend SECTION VII - CONSTRUCTION STANDARDS, 7.2 Roadway Construction Standards, 7.2.5 Sidewalks to read: "In-lieu financial contributions for the construction of sidewalks may be accepted as approved by the Planning Board and Department of Public Works and deposited into the Town's existing Sidewalk Fund".

## **SECTION I. AUTHORITY AND PURPOSE**

### **1.0 Authority**

Under the authority vested in the Planning Board of the Town of East Longmeadow by Section 81-Q of Chapter 41 of the General Laws of Massachusetts, said Board hereby adopts these Rules and Regulations governing the subdivision of land in the Town of East Longmeadow, Massachusetts.

### **1.1 Purpose**

"The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put into effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of a Planning Board and of a Board of Appeals under the subdivision law shall be exercised with the due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the Rules and Regulations as is deemed advisable." (Section 81-M of M.G.L. Chapter 41, as amended.)

## **SECTION II. GENERAL**

### **2.0 Definitions**

For the purposes of these regulations, the terms and words defined in the subdivision control law shall have the meaning given therein, unless a contrary intention clearly appears in these definitions.

**Abutter** - All those property owners whose land abuts the proposed subdivision or land described in a plan believed not to require approval. It shall also mean those property owners directly across a street or road from the subject subdivision or land.

**Applicant/Petitioner** - A person, as hereinafter defined, who applies for the approval of a plan of a subdivision. "Applicant/Petitioner" shall include an owner, his/her agent, representative or assigns.

**Board** - The Planning of the Town of East Longmeadow as established under Massachusetts General Laws Chapter 41, §81-A.

**Bond** - For the purposes of these rules and regulations, a bond is a cash deposit given by Applicant and held by the Town confirming the Applicant's duty, promise, or another obligation by which he/she is bound.

**Building Lot** - A continuous area or parcel of land in undivided common ownership, with legally definable boundaries, and not divided by a street. For zoning purposes, when a lot crosses the Town boundary, only that portion of the lot situated in East Longmeadow shall be considered in determining conformity to the dimensional requirements specified under the Zoning By-law.

**Certified (or endorsed) by Planning Board** - As applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded shall mean bearing a certification or endorsement signed by a majority of the members of a Planning Board or any other person authorized by the Board to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court.

**Consultants or Consulting Services** - Includes, but is not limited to those qualified and experienced as: architects, biologists, environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, or surveyors.

**Contract** - The formal legal instrument executed by the subdivider in which he/she undertakes to construct the subdivision in accordance with the requirements of the Town.

**Covenant** - A formal written agreement or promise under seal between two or more parties for the performance of an action. This agreement is binding and enables one party to recover damages for violation of a contract by another.

**Date of Submission** - A Plan shall be deemed submitted when delivered at a meeting of the Board or when sent by Registered Mail to the Planning Board, care of the Town Clerk. If so mailed, the date of receipt shall be the date of submission of the Plan.

**Easement** - The right acquired by a person, government agency, or public utility company to use or control public or private land owned by another for a specific purpose.

**Engineer, Registered Professional** - A person registered to practice in Massachusetts by the Division of Registration to perform engineering as prescribed by Massachusetts General Laws.

**Frontage** - The common boundary between that portion of a "Lot" in the Town of East Longmeadow and a "Street" as defined hereinafter in this section which provides adequate physical access across said boundary to a potential building site. For zoning purposes, lot frontage is the continuous distance between side lot lines measured at the street line, or in the case of a Corner Lot, the intersecting street line (or the midpoint of the corner radius) measured on each street. On the turning radius of a cul-de-sac, lot frontage may be considered as the distance between side lot lines measured at the setback line, provided that the distance measured on the street line shall be at least 75 percent of the minimum frontage required for the zone in which the lot is situated.

**General Laws** - (Abbreviated G.L.) The General Laws of Massachusetts as enacted in 1920 and as embodied in the Tercentenary Edition of 1931, with all additions thereto and amendments thereof (herein referred to as General Laws). In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in any new codification.

**Land Surveyor, Registered** - A person registered to practice in Massachusetts by the Division of Registration to survey land as prescribed by Massachusetts General Laws.

**Lot Line** - A line of record bounding a lot which divides one lot from another or from a public or private street or any other public space.

**Lot Line, front** - The lot line separating a lot from a street right-of-way.

**Lot Line, rear** - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, side** - Any lot line other than a front lot line or a rear lot line.

**Owner** - As applies to real estate, the person as hereinafter defined, holding the ultimate fee simple title to a parcel, tract, or lot of land as shown by the record in the Registry of Deeds, Land Registration Office or the Registry of Probate for the County of Hampden.

**Performance Guarantee** - A promise or an assurance given in writing, that attests to the quality or durability of a service. A pledge that something will be performed in a specified manner.

**Person** - An individual, two or more individuals, a group or association of individuals, a partnership, trust, or corporation, having common or undivided interest in a tract of land.

**Petitioner** - See "Applicant."

**Plan: preliminary** - A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section IV to facilitate proper preparation of a Definitive Plan.

**Plan: definitive** - The plan of a subdivision as duly submitted with appropriate application to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from the preliminary plan.

**Registry of Deeds** - the Registry of Deeds of Hampden County, and when appropriate, shall include the Land Court. (M.G.L., c. 41 §81-L)

**Right-of-Way** - A legal right of passage over another person's ground.

**Roadway** - That portion of a way which is designed and constructed for vehicular traffic.

**Sidewalk** - A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.

**Street** - A public or a private way shown on a plan approved under the Subdivision Control Law and recorded at the Hampden County Registry of Deeds as required, or a way of existence when the Subdivision Control Law became effective in East Longmeadow, having, in the opinion of the Planning Board, sufficient width,



suitable grades, and adequate construction to provide for the proposed use of the abutting land or land to be served thereby.

**Street Types:**

**Minor Street** - A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots, and which is designed to discourage its use by through traffic.

**Collector/Connector Street** - A street intersecting one or more minor streets, which in the opinion of the Board is used or will be used to carry a volume of traffic from such minor street or streets to a major street or community facility, and normally including the principal entrance street of a subdivision and any principal circulation streets within such subdivision, or a street that will connect subdivisions.

**Major Street** - A street which, in the opinion of the Planning Board, is being used or will be used as a thoroughfare within the Town of East Longmeadow that will connect communities or that will otherwise carry a heavy volume of traffic.

**Cul-de-sac Street** - A public or private vehicular way which affords the principal means of access to abutting property and which joins another thoroughfare at only one end. (Any such thoroughfare, which joins or intersects a dead-end street/cul-de-sac, shall have adequate access at both ends from a town, county or state public way adjacent to the subdivision.)

**Dead End Street** - A street that affords no exit at a point beyond which no movement or progress can be made.

**Turnaround** - The widened end portion of a cul-de-sac street.

**Subdivider** - A person who develops a subdivision under a plan of a subdivision approved pursuant to Section V of these Rules and Regulations.

**Subdivision** - The division of a tract of land into two (2) or more lots and shall include re-subdivision, and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided provided however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision Control Law, if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Clerk of the Town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law or (c) a way in existence when the Subdivision Control Law became effective in the Town of East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and

adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-law of the Town of East Longmeadow for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of East Longmeadow into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. Subdivision, including re-subdivision, shall be defined in the Subdivision Control Law, M.G.L., Chapter 41.

**Subdivision Control** - The power of regulating the subdivision of land granted by the Subdivision Control Law.

**Subdivision Control Law** - Section 81-K to 81-GG inclusive, of Chapter 41 of the Massachusetts General Laws, and any additions thereto or amendments thereof.

**Utilities** - Private or municipal services to be furnished within the subdivision, including telephone lines, cable television lines, electrical lines, gas pipes, sewers, water drains, water pipes and storm drains, fire alarm systems, similar systems and their respective appurtenances.

**Way** - A way is synonymous with the terms: road, street, highway, and avenue and shall denote any such line or route for passage whether public or private. The width of the strip of land shall be laid out, designated, acquired and/or dedicated for the use of such way. Such width to include the space for vehicular travel and sidewalks in accordance with Sections VI and VII of these Rules and Regulations.

## **2.1 Subdivision Basic Requirement**

The subdivision of land shall conform to all applicable state and local laws, ordinances, and rules and regulations of Boards and departments having jurisdiction.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a plan has been endorsed "Planning Board Approval Not Required" or a Definitive Plan of such subdivision has been submitted to, approved and endorsed by the Planning Board as hereinafter provided, and subsequently recorded at the Hampden County Registry of Deeds and, in the case of registered land, with the recorder of the Land Court.

A vote from the Clerk of a Corporation shall accompany submission of any Definitive Subdivision Plans showing ownership of said subdivision by a corporation and certifying authorization of individual(s) to act for the Corporation.

## **2.2 Compliance with Zoning Bylaws**

Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing Zoning By-laws. No subdivision rules can dictate the size, shape, width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements in effect at the time of submission to the Planning Board.

## **2.3 Summary of Subdivision Procedures**

All plans and all procedures relating thereto shall in all respects comply with the provisions of these Rules and Regulations, unless the Planning Board authorizes a variation therefrom in specified instances.

- 2.3.0 Any person desiring to make a subdivision within the meaning of the Subdivision Control Law of any land within the Town shall, before proceeding with the improvement or sale of lots, submit to the Planning Board a plan of such subdivision and secure approval by the Board of a Definitive Plan as hereinafter provided.
- 2.3.1 The Planning Board will not approve nor modify and approve any plan of a subdivision of land unless all lots and other proposals shown on said plan comply with the Zoning By-laws of the Town, or certification that a variance from the terms thereof has been granted by the Zoning Board of Appeals and recorded in the Registry of Deeds.
- 2.3.2 The Building Inspector shall not issue any permit for the erection of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision, or that a way furnishing the access to a lot within a subdivision as required by the Subdivision Control Law is shown on a plan recorded in the Hampden County Registry of Deeds and that any conditions limiting the right to erect or maintain buildings on such lot endorsed thereon by the Planning Board have been satisfied.
- 2.3.3 The Planning Board may assign as its agents, appropriate Town agencies or officials and may hire consulting services to review plans and inspect improvements at the cost of the Applicant.
- 2.3.4 The Planning Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its

retaining the status of an approved plan after due notice and opportunity to the owner to be heard in accordance with M.G.L. chapter 41, §81 W as amended.

## **2.4 Effect of Prior Recording of a Subdivision Plan**

The recording of a plan of land within the Town of East Longmeadow in the Hampden County Registry of Deeds prior to the effective date of the Subdivision Control Law in the Town of East Longmeadow shall not exempt the land within such subdivision from the application and operation of these Rules and Regulations except as specifically exempt by Section 81-FF, Chapter 41 of the General Laws.

## **2.5 Waivers**

Pursuant to M.G.L. c. 41, §81R, the Planning Board may in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of subdivision control law, waive strict compliance with any of these Rules and Regulations, and with the frontage or access where the ways are not otherwise deemed adequate, approve a plan on conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the Planning Board to the access provided. The Planning Board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be part of the plan. The following steps are required to grant waivers:

- 2.50 Applicant shall be asked to state reason(s) that granting waiver(s) would be in the public interest and not inconsistent with the Subdivision Control Law, as required by M.G.L. c. 41, §81R.
- 2.51 A motion shall be made by a Planning Board member to grant or deny each waiver, restating reason(s) given by Applicant that each waiver, individually, is in the public interest and not inconsistent with the Subdivision Control Law.
- 2.52 A roll call vote shall be taken on each waiver requested.
- 2.53 If any waiver is denied, all necessary steps shall be taken by the Planning Board to table, request extension(s), allow withdrawals, etc. until a new plan without denied waivers is submitted for vote.

## **2.6 Engineering**

The Definitive Plan shall be approved, stamped and signed by a Registered Land Surveyor and a Registered Professional Engineer.

## **2.7 Inspection and Consulting Services**

- 2.7.0 Inspection shall be carried out at appropriate times during the development of the subdivision as described in Section VII and in the Subdivision Inspection Checklist (Form E appended hereto). The subdivider shall notify the Planning Board, and the Town Engineer/Superintendent of Public Works, at least four (4) working days before carrying out each operation to be inspected.
- 2.7.1 The Planning Board and the Town Engineer/Superintendent of Public Works may make arrangements with consultants to carry out such inspections and/or provide consulting services with regard to the project, on behalf of the Town.
- 2.7.2 The costs of inspection shall be born by the subdivider and paid to the Town of East Longmeadow by certified check or money order within thirty (30) business days of the inspection. Inspection costs shall include but not be limited to: on-site inspections, "portal-to-portal" travel, off-site analysis of plans, water testing, and soil testing. In the case of consultant services, a deposit shall be made to the Town as described in **Section 3.1 and 4.2**.
- 2.7.3 Failure to pay for such services as referenced above within thirty (30) days following the mailing of an invoice shall be sufficient grounds for the Planning Board to deny a plan or rescind its approval of a Preliminary Plan or Definitive Plan of a subdivision.
- 2.7.4 The Applicant has the responsibility to ensure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Board cannot be construed as fulfilling this responsibility.
- 2.7.5 A cash deposit shall be required and shall be used by the Town to pay for any additional consultants which it finds necessary to hire in order to carry out an effective review of the proposed subdivision.
- 2.7.6 Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or recission of the approval of the plan in accordance with M.G.L. c. 41, §81W.

## **2.8 Amendments**

These Rules and Regulations or any portion thereof may be amended from time to time in accordance with Section 81-Q of the Subdivision Control Law.

## **2.9 Validity and Severability**

If, in any respect, any provision of these Rules and Regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect that part of such provision which shall be invalid and in all other respects these Rules and Regulations shall not be invalidated, impaired or affected thereby.

## **2.10 Coordination with Municipal Departments and Other Agencies**

In the Town of East Longmeadow, certain services are provided to subdivisions under the jurisdiction of various Town departments and other quasi-public agencies.

Compliance with the applicable regulations and requirements of these agencies and departments shall be required before a plan is approved by the Planning Board, and certification of performance relative to the proper construction and installation of respective utilities shall be required before the performance guarantee can be reduced or released.

## **2.11 Forms**

Appended to these Regulations hereto are sample forms for the administration of these Regulations. The administrative content of these forms may be revised from time to time by administrative action of the Board apart from Section 2.8.

## **2.12 Effective Date**

These regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Registry of Deeds and the Recorder of the Land Court.

## **SECTION III. PLANS BELIEVED NOT TO REQUIRE APPROVAL**

### **3.0 General**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land in the Town of East Longmeadow who believes that the plan does not require approval under the Subdivision Control Law, may submit a plan as hereinafter provided, to the Planning Board for such determination.

### **3.1 Submission Procedure**

Any plan believed not to need approval under the Subdivision Control Law must be submitted to the Planning Board at a special or the next regularly scheduled meeting and must include the following:

1. Two (2) mylars and four (4) prints of the plan and, if possible, a plan on diskette in autocad format;
2. A properly executed Application Form A, attached hereto, by the Applicant and all owners of record (notarized), with a certified copy of current deed(s), with all information requested (A completed copy of the application Form A shall also be filed with the Town Clerk);
3. A narrative describing the property division the Applicant is proposing including clear details of the property lines before the proposed division accompanied by the necessary evidence to show that the plan does not require approval of the Planning Board; and,
4. The fee (see Town Clerk for fee schedule) to cover the cost of administration and reviews.

If, in the judgment of the Board, consulting services are necessary or appropriate, the Applicant shall, prior to a determination on a plan, deposit with the Town, an amount determined by the Board to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Board and paid out of said deposit. The Town will reimburse the Applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment.

In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the Applicant pursuant to procedures outlined in paragraphs 2.7.2 and 2.7.3 of this document.

### **3.2 Contents**

The original of the drawn plan shall be approved by a registered Land Surveyor at a scale not smaller than one (1) inch equals one hundred (100) feet and two (2) mylars and four (4) prints shall contain the following information:

1. Title, before division and after boundaries, true north arrow, date of submission, scale and legend;
2. The names and addresses of the owners of record, the Applicant and the registered Land Surveyor with seal;
3. Names of all abutters as they appear in most recent tax list;
4. Location, dimensions and purpose of all easements, both existing and proposed, within and adjacent to the land in question;
5. Location, names, lines and widths of all (existing and those shown only on the Town Zoning Map) public or private streets or ways and any common or public areas (if more than one lot is proposed);
6. An inset showing the relative position of the proposed project in the town, the entire area in which the project takes place and all boundary lines, dimensions of all lots, sites or divisions, lot areas in square feet, with all lots designated numerically and in sequence.
7. Frontage and area of any remaining adjoining land owned by the Applicant.
8. The plan submitted shall contain the words "Approval under Subdivision Control Law Not Required" with a signature line for Board and space for the date and a statement that the plan is based on an actual survey with the date of the survey. These words shall not be construed as either an endorsement or an approval of Building Lot Area Requirements.
9. Zoning classification and location of any zoning district boundaries that lie in the locus of the plan.
10. Name and width of rights of way providing footage and access to lots shown on plan, and the extent of paved improvements within the right-of-way.
11. Accurate location of all existing buildings including municipal services, surface and sub-surface drainage and all set back, side yard and rear yard designations.



12. Location of all bounds, brooks, fences, walls, easements and/or encumbrances as well as wetlands pursuant to CMR 10.00 (Massachusetts Wetlands Regulations); and,
13. In making a determination in the adequacy of a way, the Board shall consider the following conditions:
  - 13.1. Is the right-of-way at least forty (40) feet wide and of reasonable horizontal alignment?
  - 13.2. Does the existing horizontal and vertical alignment of roadway provide safe visibility?
  - 13.3. Is the roadway constructed to a minimum width of twenty-four (24) feet paved and with adequate provisions for drainage?
  - 13.4. Is the roadway surface adequate to accommodate the vehicular traffic to be generated by the division of land?
  - 13.5. Have provisions been made for adequate public utilities to each lot shown on the submitted plan?

### **3.3 Board Action**

If the Planning Board determines that the plan does not require approval, it shall, within twenty-one (21) days after date of submission, and without a public hearing, endorse on the plans the words, "Approval Under The Subdivision Control Law Not Required" and, "Endorsement by the Board does not necessarily constitute a building lot". Said endorsement shall be signed by a majority of the Board or by a person authorized by the Board. The mylars and three (3) copies of the plan shall be returned to the Applicant for recording with the Registry. Said endorsement shall be effective for no longer than six (6) months from date of date of submission without proof of recording. Included within the endorsement text on the plan shall be the words, "This plan must be recorded at the Registry of Deeds for Hampden County no later than (date supplied). Prior to the end of this six (6) month period, Applicant shall provide to the Board, proof of recording in the Hampden County Registry of Deeds. Failure to provide such proof shall result in the expiration of the endorsement .. The Planning Board shall stamp the date and time of submission on all plans presented. The Board will provide the Town Clerk with the recording information.

Three copies and one mylar shall be returned to the office of the Planning Board evidencing proof of recording with the Registry of Deeds for Hampden County. One plan will be retained by the Planning Board, the mylar will be forwarded to the Superintendent of Public Works and the other two copies distributed to the Board of Assessors and the Building Inspector.

Where the Board determines that in its opinion adequate access (as contemplated by Section 81-M of the Subdivision Control Law and Section 1.1 of these

Regulations) does not exist, then the Board shall determine that the plan does require approval under the Subdivision Control Law.

If the Planning Board determines that in its opinion the plan requires approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission, give written notice of its determination to the Town Clerk and Applicant and return the plan to the Applicant. Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the East Longmeadow Zoning By-law.

If the Board fails to act upon a submitted plan within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

## **SECTION IV. PRELIMINARY PLAN**

### **4.0 General**

Before submitting an application for the subdivision of land, the Applicant shall become familiar with the Rules and Regulations governing the subdivision of land in the Town of East Longmeadow together with all other applicable local ordinances and bylaws including the Board of Health regulations and applicable sections of the Zoning Bylaw.

M.G.L. c. 41, §81S mandates that a Preliminary Plan for a non-residential subdivision be submitted to the Planning Board for approval. Although it is strongly suggested the same for a residential subdivision, it is not mandatory. The submission of such a Preliminary Plan will enable the subdivider, the Board and other municipal agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. The degree of review and effectiveness of the Board's comments shall be in direct proportion to the accuracy and amount of information provided by the Applicant on the Preliminary Plan. The Board strongly recommends that a Preliminary Plan be filed in every case.

### **4.1 Submission**

- 4.1.0 The Preliminary Plan shall not be deemed to have been submitted to the Planning Board until the executed Form B, the prints of the Plan and the submission fee have been delivered to the Planning Board pursuant to the definition of "Date of Submission" as described in Section II of these Rules and Regulations, and all are fully completed in accordance with these Rules and Regulations. Thereafter, the Applicant shall give written notice to the Town Clerk by delivery or registered mail that the Preliminary Plan has been submitted to the Planning Board. Such notice shall be accompanied by a copy of Form B, shall state the name and address of the owner, the date of submission to the Planning Board for approval, and a sufficient description of the land so it may be easily identified.

The Applicant shall submit seven (7) copies of the Preliminary Plan and all necessary information to the Board, as further detailed in section 4.2 below. The Applicant shall submit a copy of Request for Determination of Applicability as submitted to the Conservation Commission. The Board shall forward copies of the plan to other town agencies and/ or departments for their review. The respective other Town agencies and/or departments shall furnish a written report detailing their concerns and/or recommendations to the Planning Board prior to the Public Hearing.

## **4.2 Submission Procedure**

Any person who submits a Preliminary Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

1. Seven (7) contact prints (dark line on white background) made from the original drawing (additional prints may be requested by the Planning Board);
2. A properly executed application Form B, appended hereto, signed by the Applicant and all other owners of record (notarized), and providing all information requested, including telephone numbers for all parties listed on the application;
3. Certified copies of deed(s); including a municipal tax certificate evidencing property taxes paid;
4. A submission fee, payable to the Town of East Longmeadow in the amount shown in the Schedule of Fees;
5. If, in the judgment of the Board, consulting services are necessary or appropriate, the Applicant shall, prior to a determination on a plan, deposit with the Town, an amount determined by the Board to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Board and paid out of said deposit. The Town will reimburse the Applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment.

In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the Applicant pursuant to procedures outlined in paragraphs 2.7.2 and 2.7.3 of this document.

6. Should an extension to the decision deadline for the proposed Preliminary Plan be required, said cash deposit shall be extended for an equal time period. Any remaining funds in the deposit will be returned to the Applicant.

## **4.3 Contents**

The Applicant is required to submit a Preliminary Plan of the entire parcel of land, which shall show tentative proposals with a sufficient degree of accuracy and completeness of data to make the proposals clear.

The Preliminary Plan shall be drawn at a scale of 1 inch = 100 feet maximum, on 24 inches by 36 inches sheets. Said plan shall show sufficient information about the subdivision or form a clear basis for discussion of its problems and for the

preparation of the Definitive Plan. During discussion of the Preliminary Plan, information required for the Definitive Plan and the financial arrangements will be developed. The preliminary plan shall show at least the following information:

1. Proposed subdivision name or identifying title, boundaries, north point, date, scale, legend and title "Preliminary Plan", and block for approval in the lower right hand corner;
2. Names and address of the record owner or owners of the land and the subdivider and the name, seal and address of the designer, engineer and surveyor who made the plan , which shall appear in the lower right-hand corner;
3. Names and addresses of all abutters and those owners of land separated from the subdivision only by a street, appearing in the most recent tax list unless the Applicant shall have more recent knowledge of such abutters;
4. Existing and proposed lines of streets, sidewalks, ways, lots, easements and public or common areas within the subdivision in a general manner; purpose of easements and rights of way shall be indicated.
5. Proposed system of drainage, sewage disposal (including such information as is required by the Town Board of Health regulations to determine the general feasibility of subsurface sewage disposal) and water installation, including the location of all swamp, marsh and lowland, water bodies, streams, open drains and ditches, natural or man-made, and flowage rights, public and private, adjacent to or within the proposed subdivision in a general manner;
6. Approximate boundary lines of all proposed lots or division of land with their approximate areas and dimensions; lots to be numbered in sequence, and approved by the Assessors;
7. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision;
8. The existing and proposed topography of the land in a general manner at a ten (10 -foot contour interval or better based on USGS data and NRCS soil maps if available, including major features of the land such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies, natural waterways, trees over eighteen (18) inch d.b.h., and soil types according to the most recent edition of "Soil survey of Massachusetts", prepared by the U.S. Department of Agriculture, soil Conservation Service, and any scenic or historic sites.
9. Location of existing buildings and/or structures and the distances to buildings and/or structures abutting the proposed subdivision;

10. Location of natural waterways and water bodies within and adjacent to the subdivision and 100 foot buffer areas adjacent to them;
11. Zoning classification of all land and abutting properties shown in the plan including overlay zoning. The Applicant is urged to prepare acetate overlays in order to expedite Board review;
12. Easements and rights-of-way applicable to the area shown on the plan;
13. A key map showing all the proposed subdivision streets extended to show the intersection of at least two existing streets to a scale of 1 inch equals 1,000 feet;
14. Profiles of existing grades and proposed finished grades of roadway and drain and sewer utilities together with a cross section of any open channels or streams;
15. When multiple sheets are necessary, match lines perpendicular to the center line shall be used and referenced. An index plan graphically indicating the arrangement of said standard (24 inches X 36 inches) sheets at a suitable scale shall be provided;
16. A locus or location plan at U.S.G.S. scale showing the subdivision and its location in the Town and to the surrounding roadways and physical features and designating wetland from the Conservation Commission; and,
17. An access plan of suitable scale showing the proposed access to and from the subdivision to the major street with proposed improvements is required. Such plan shall show the access right of way widths and roadway centerline grades.

#### **4.4 Board Action**

- 4.4.0 After submission, the Preliminary Plan will be reviewed by the Planning Board, Board of Health, Conservation Commission, and other municipal agencies and departments to determine whether it is in compliance with these Rules and Regulations and with those additional requirements of other municipal agencies and departments. These recommendations may be incorporated in the Preliminary Plan with any changes and additions suggested by the Board.
- 4.4.1 The Planning Board shall submit three (3) copies of the plan to the Board of Public Works with a proper transmittal letter. The three copies are to be marked per Board of Public Works recommendations, if any, by the Superintendent of Public Works. Two (2) of the marked copies together with a letter (in triplicate) containing the Superintendent of Public Works' detailed recommendations (if any) shall be forwarded to the Board of

Health. The Superintendent of Public Works' letter shall cover matters dealing with access, egress and drainage issues. One (1) copy with proper transmittal letter is sent to the Conservation Commission and Two (2) copies with proper transmittal letters are sent to the Fire and Police Departments. The fire and police departments shall report their recommendations to the Board of Selectmen within fourteen days of receipt of said plan.

- 4.4.2 The Board of Health shall review the marked drawings and the Superintendent of Public Work's letter and shall then forward to the Planning Board the marked drawings and two (2) copies of the Superintendent of Public Work's letter together with a letter stating the Board of Health's findings and recommendations.
- 4.4.3 The Board of Health shall send copies of its letter to the Planning Board, to the Town Clerk and the developer (the latter by certified mail) within 21 days of submission to the Planning Board of the Preliminary Plan.
- 4.4.4 The Board of Selectmen, upon review of reports from Police and Fire, shall, within 21 days, submit their recommendations to the Planning Board with copies of said reports from Police and Fire.
- 4.4.5 Upon receipt of the Board of Health's letter, the Planning Board shall review the matter and then forward to the Applicant one (1) copy of the marked drawing, one (1) copy of the Superintendent of Public Work's detailed recommendations, and a letter setting forth the requirements, if any, of the Board of Health and the Planning Board.
- 4.4.6 When the Applicant has made final revisions on the drawings, in accordance with the above Boards' recommendations, if any, he/she shall submit the original and three (3) copies to the Planning Board for approval.
- 4.4.7 Within forty-five (45) days after the Preliminary Plan is submitted, the Planning Board, shall approve, disapprove, or approve with modification, the Preliminary Plan, noting thereon any changes that should be made. A disapproval by the Board will be accompanied by a detailed statement of reasons for the action.

The Planning Board shall file a certificate of its action with the Town Clerk, and shall send notice of its action by certified mail to the Applicant. One copy of the Plan shall be returned to the Applicant and the others retained by the Board. Failure of the Planning Board to act upon a Preliminary Plan within forty-five (45) days after submission shall be deemed to constitute approval of such a plan.

## **V. DEFINITIVE PLANS**

### **5.0 General**

A Definitive Plan of a subdivision must be submitted to the Planning Board for approval.

A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan or in effect at the time of the submission of the Preliminary Plan, provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from date of submission of the Preliminary Plan.

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of M.G.L. Ch. 40A, §7 as amended.

### **5.1 Submission**

1. The Definitive Plan shall not be deemed to have been submitted to the Planning Board until the executed Form C, the prints of the Definitive Plan and the submission fee have been delivered to the Planning Board pursuant to the definition of date of submission in Section 2 of these Rules and Regulations. Thereafter, the Applicant shall give written notice to the Town Clerk by delivery or registered mail that the Definitive Plan has been submitted to the Planning Board. Such notice shall be accompanied by a copy of Form C, shall state the date of submission to the Planning Board for approval of such Definitive Plan, shall describe the land sufficiently, so it may be identified and shall state the name and address of the owner.
2. The site shall be marked at the time of application by flags or other marking devices at the front and back of the lots, so that boundaries of the subdivision, the proposed lots, and the proposed street layout are obvious to those Town departments making site inspection.
3. If, in the judgment of the Board, consulting services are necessary or appropriate, the Applicant shall, prior to a determination on a plan, deposit with the Town, an amount determined by the Board to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Board and paid out of said deposit. The Town will reimburse the Applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment.

In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the Applicant pursuant to procedures outlined in paragraphs 2.7.2 and 2.7.3 of this document.



## **5.2 Submission Procedure**

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

1. Two original reproducible copies of the plan on mylar and, if possible, one copy in autocad format on diskette;
2. Seven (7) contact prints (dark line on white background) made from the original drawing (additional prints may be requested by the Planning Board);
3. A properly executed application Form C, appended hereto, signed by the Applicant and all other owners of record (notarized), and providing all information requested;
4. A submission fee, payable to the Town of East Longmeadow in the amount shown in the Schedule of Fees.
5. One set of two overlays shall be prepared on acetate the same scale as the Definitive Plan; these overlays shall illustrate the following features:  
  
Overlay #1 - One hundred-year floodplains, wetlands, aquifer recharge areas;  
Overlay #2 - Soils (including soil types), slopes greater than 12%;
6. Certified List of Abutters Form C 3, appended hereto, signed by the Applicant and providing all information requested;
7. Seven (7) prints of street plans and profiles of every proposed street, , including deed restrictions, easements and rights of way.

## **5.3 Contents**

The Definitive Plan and Plan and Profile shall be approved by a registered Civil Engineer and a Registered Land Surveyor. Plans shall be submitted on mylar in accordance with Hampden County Registry of Deeds suitable for submission and, if possible, in autocad format on diskette. The plan shall be at a scale of one (1) inch equals forty (40) feet, unless otherwise specified by the Planning Board, and of a sheet size not to exceed 24 inches by 36 inches outside dimensions. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision, and all plans, layouts, profiles, cross-sections and application shall be deemed to constitute the Definitive Plan.

**5.3.1 The Definitive Plan shall contain the following information:**

1. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any, the date, scale, graphical scale, north arrow, the names, addresses and seals of a Massachusetts registered professional engineer and surveyor who made the plan, and provisions to show the dates of all revisions of the plan;
2. Data required in Sections 4.3 (3) - 4.3 (7) (Contents for Submittal of Preliminary Plan);
3. Locations of all permanent structures properly identified as to whether existing, remaining or proposed to remain;
4. Major site features, such as existing stone walls, fences, buildings, trees larger than 18 inches dbh, rock ridges and out-croppings, waterways, natural drainage courses, swamps, flood plains, historic features, and wooded areas and ditches that exist on or near the site at the time of the survey. The plan shall identify which of the above shall remain undisturbed.
5. Location of natural waterways and waterbodies within and adjacent to the subdivision;
6. Existing and proposed topography at a two (2)-foot contour interval for gentle slopes (less than 10%) and a five (5)-foot contour interval for steep slopes 10% or greater;
7. Key plan, showing location of the subdivision at a scale of 1 inch equals 1,000 feet and an accurate index plan at a scale of 1 inch equals 200 feet or a scale matching that used on the individual Assessor's map (full size) on which the proposed development is located;
8. Location of stone bounds to be set at the intersections of street lines, angle points, and changes in direction of curvature of streets, and location of survey markers to denote all property intersection lines;
9. Lines of existing and proposed streets, ways, lots, lot numbers, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. If the subdivision consists of more than one section, all lot numbers shall be consecutive. One copy of the plan shall be given to the Department of Public Works for house numbering with a copy of such to the Assessors;
10. Sufficient data to determine the location, direction, width and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary

lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, and central angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 of adjoining lands of the Applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Board (and/or Town Engineer), for a matter of record;

11. Size and location of existing and proposed water supply facilities;
12. Size and location of all fire hydrants, pump, water lines between hydrants and pump, and source(s) of water for fire fighting;
13. Location and results of all percolation tests to evaluate subsurface conditions for each lot in the prospective subdivision; these tests will be done if individual sewer systems are proposed. The tests will be done in accordance with the State Sanitary Code and the regulations of the Board of Health, and a minimum of 33% of the lots shall have percolation tests completed;
14. Where a storm drainage line discharges into a brook, stream, or drainage area, a profile will be shown of the brook, stream, or drainage area to determine condition, and proposed method of stabilization.
15. Zoning district classification of all land shown on the plan including overlay zoning such as floodplain districts, and the location of any zoning district boundaries that lie within the locus of the plan with the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning By-laws. All lots shown shall comply with the applicable zoning district requirements for the proposed land utilization. Where a parcel contains existing buildings, no subdivision shall be approved in which the proposed lot lines would make the existing lot, structures, or uses non-conforming with respect to lot coverage, setbacks, parking or other requirements of the Zoning by-laws. The Applicant is urged to prepare acetate overlays in order to expedite Board review;
16. Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or special permits applicable to the subdivision of the land or any buildings thereon;
17. If feasible, a Plan of the Applicant's contiguous un-subdivided land showing possible or contemplated development and street layout; and,
18. A title block shall appear in the lower right hand corner of all definitive plans submitted to the Planning Board, see appendix for example.

### **5.3.2 Plan and Profile**

A plan and profile for each street within the subdivision showing:

1. Cross sections and construction details including:
  - a. Roadway section showing paving, centerline, crown, berm, shoulder, width, walk, and all other components or features;
  - b. Drainage details for catch basins, manholes, inwalls and all other components or features, with specific references to the appropriate sections of the State Construction Standards;
  - c. Drainage trench or waterway relocation section;
  - d. Section showing proposed elevations of floors.
2. A street layout plan on a separate 24 inches x 36 inches sheet, horizontal scale 1 inches = 40 feet, for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles, points of tangency, and rail of curves; also included on the street layout plan shall be location, size, type of construction, elevations and invert, whenever applicable, of all pipes and conduits of the:
  - a. Water Supply System, including pumps, valves, stubs, gates, hydrants, and similar equipment;
  - b. Storm Drainage System, including manholes, pipes, culverts, catch basins, a dwelling service line, downspout eaves, sump pumps and appurtenant structures;
  - c. Sanitary Sewerage System, including piping, pumps, community septic tanks, and appurtenant equipment;
  - d. Natural Gas Supply System, including pipes, pumps, valves, gates and similar equipment;
  - e. Electrical, Telephone and Cable TV Supply System, including piping, handholes, transformer padmounts, and similar equipment;
  - f. Lighting System, including location of street light poles;
  - g. Each Plan and Profile shall have a suitable title showing Name of Subdivision, Street Name, Name(s) of Record Owner(s), Scales, Dates and Name of Registered Land Surveyor;

- h. Each revision on Plan and Profile drawings shall be dated and described in a subnote thereon;
- i. If information is available, the Plan shall show each house as it will be located on lot; and,
- j. A block on the Plan and Profile drawings shall appear as follows:

"Approved by East Longmeadow Planning Board."

Date \_\_\_\_\_, Chair

### 5.3.3 Topographical Model

A topographical scale model may be required by the Planning Board, if in their opinion it would aid in highlighting any problem areas that could develop within the subdivision or between the subdivided land and any of the abutters. The model should be constructed as follows:

- 1. It shall use the same scale as the Plat.
- 2. It shall show contour intervals of one foot.
- 3. It shall depict the subdivision in its final topographical form. Lot lines and lot numbers shall be shown along with all streets and cul-de-sacs. Houses shall be shown as they will be located. Existing stands of trees and individual trees and shrubs that are to remain shall be so located or indicated on the model. Swamps, streams, wetlands and water bodies shall also be indicated, if any exist.
- 4. It shall have a suitable title showing name of subdivision, name of record owner, dates, and name of Registered Land Surveyor.
- 5. A block on the model shall appear as follows:

"Approved by East Longmeadow Planning Board."

Date: \_\_\_\_\_, Chair

## **5.4 Performance Guarantee**

### 5.4.0 General

Before endorsement of the Board's approval of a Definitive Plan, the Applicant shall agree to (i) complete the required improvements for the subdivision within two (2) years from date of endorsement, (ii) to complete the required improvements according to Section VI - Design Standards, and

(iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section VI, has been applied to the streets that serve those structures.

These improvements for the construction of ways and the installation of municipal services are to be secured by a guarantee in accordance with Section 81U of the Subdivision Control Law. The amount of the guarantee shall be approved by the Planning Board and sufficient to cover the cost of all or any part of the improvements plus a twenty (20) % percent contingency factor.

Such construction and installations shall be secured by one, or in part by one and in part by the other, of the following methods that may from time to time be varied by the Applicant with the written consent of the Board.

#### **5.4.1 Approval With Bonds or Surety**

The Applicant shall either file a duly executed surety company performance bond, a duly executed performance bond secured by a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all of the improvements specified herein not covered by a Covenant under 5.4.2, hereof. Said surety company performance bond or performance bond secured by a deposit of money or negotiable securities shall be approved as to form, manner of execution and, in the case of surety company performance bond secured by negotiable securities, as to the negotiable securities by the Town Treasurer; and shall be conditioned on the completion of such improvements within two (2) years of the date of the performance bond. Such money or negotiable securities must be approved as to form and manner of execution by Town Counsel. The Board may modify its requirements for any or all such improvements and the face value of such shall thereupon be reduced or increased respectively by an appropriate amount, if it is decided at any time during the term of the performance surety that:

1. improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the face amount of such deposit; or,
2. the character and extent of the subdivision requires additional improvements, previously waived.

#### **5.4.2 Approval with Covenant**

The Applicant shall file a duly executed covenant that provides that no lot may be built upon or sold until the ways and municipal services necessary to serve such lot adequately have been constructed and installed. Such covenant shall be approved as to form and manner of execution by Town

Counsel and shall be recorded in the Registry of Deeds by the owner of record and shall run with the land.

#### 5.4.3 Completion Time Schedule

The performance guarantee as previously described herein, shall be contingent upon the completion of such improvements, as required in these Rules and Regulations, within two (2) years of the date of deposit of money or covenant.

There shall be an additional two-year period between the required completion date and the release of the cash deposit. Said two-year period shall give the Town the opportunity to complete the necessary improvements in case:

1. the developer is unable to do so; and/or,
2. the Board denies any requests for extensions.

Upon written request from the Applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the covenant.

In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within a specified time period from date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.

Failure to complete all improvements as required by these Rules and Regulations within the two years shall cause the Board:

1. to draw upon the performance guarantee (deposit of cash) in order to complete said improvements; and/or,
2. schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of Chapter 41, Section 81, of G.L.

#### 5.4.4 Determination of Incompleteness

The Planning Board shall retain a surety in the sum of twenty percent (20%) of the total cost of improvements that shall be released eighteen (18) months after final completion. If the Board determines that said construction, installation or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing by

registered mail, the details wherein said construction and installation have failed to comply with requirements contained in Sections VI and VII. Upon the failure of the Board to act within the time specified in M.G.L. Ch. 41, Section 81-U, (forty-five days) all obligations under the bond shall cease and terminate by operation of and any deposit shall be returned and any such covenant shall become void.

In the event that said time period cited in the paragraph above expires without such specification, or without the release and return of the Covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, that may be recorded.

#### 5.4.5 Inspection for Release of Performance Guarantee

Prior to inspection for release of security for performance that was given by bond, tri-party agreement, deposit or covenant, the Applicant shall submit, a statement stamped and certified by either a Registered Professional Engineer or a Registered Land Surveyor that the required improvements are "built in conformity" with the Rules and Regulations and the approved subdivision Plan and the Standards of the DPW and the Order of conditions of the Conservation Commission.

#### 5.4.6 Conveyance of Utilities and Easements to the Town

Prior to the release by the Board of a surety bond or deposit, or, in the case of a Covenant the issuance of a Release form, the Applicant shall execute an instrument transferring to the Town, without cost, valid unencumbered title to the electric power system and street lights, to all storm drains, sewer mains and water mains, appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumbrances perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or portion thereof to be approved and if any such utilities have been constructed and installed in land not within such streets, then, in through, and under an easement as shown on the Definitive Plan.

#### 5.4.7 Binder Application

Following the binder application and prior to any further roadway construction, the Applicant shall submit an As-Built Certification signed and stamped by either a Registered Land Surveyor or a Registered Professional Engineer. Said Certification shall certify the roadway location, width, elevation, and that the centerline of all roadways coincide with the centerline



of the street right-of-way and that the preceding items conform to the Rules and Regulations and the approved Subdivision Plan.

#### **5.4.8 Reduction or Release of Performance Guarantee**

##### **Reduction of Bond Surety**

The bond or the amount of any deposit held by the Town may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

##### **Final Release of Performance Guarantee**

Upon completion of improvements required under Sections VI and VII, security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the developer or owner at his expense will cause to be published in a newspaper of general circulation in the Town at least seven (7) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit, or covenant has been secured, has been completed in accordance with the requirements contained under Sections VI and VII; such statement to contain:

1. Name and address of Applicant; and,
2. A statement signed and notarized by the developer and his Engineer that the development has been completed according to the rules and Regulations of the Planning Board and the Town of East Longmeadow Zoning By-laws.

#### **5.4.9 As Built Plans**

Prior to the final release, the developer shall file a complete "as-built" plan showing all utility lines, with rim and invert elevations where applicable, hydrant location and type, main water and gas gates, sidewalk gates for water and gas (if installed) stationing of individual "y" or "t" on main sewer lines, ties to and depth of ends of sewer and water services at the street line, finished line and grade of streets, and any special drainage structures. Plan should indicate all required monuments that have been set as required and contain a certification as to their accuracy.

#### **5.4.10 Provisions for Long-Term Maintenance of Special Structures**

All new subdivisions with proposed special structures such as bridges, drainage culverts, or pumping stations will include provisions for the long-term maintenance of all such new systems. These provisions shall contain a release clause that will allow private maintenance provision to be terminated upon formal acceptance by the Town, which may require a bond for a period of time to be determined by the Planning Board or other authorized Board.

### **5.5 Additional Subdivision Requirements**

#### **5.5.0 Wetlands Protection**

In accordance with Chapter 131, Section 40 of the General Laws, as amended, no person shall remove, fill, dredge or alter any bank, beach, dune, flat, marsh, meadow or swamp bordering on any existing creek, river, stream, pond, lake or any land under said waters or land subject to flooding without submission written Notice of Intent to perform said work with the local Conservation Commission and the Massachusetts Department of Environmental Protection.

In order to determine if the proposed subdivision, or parts thereof, are subject to the provisions of the Wetlands Protection Act, the Applicant shall submit a request for Determination of Applicability to the Conservation Commission.

#### **5.5.1 Restrictive Covenants**

The Applicant shall submit, whenever applicable, as part of the application, any and all documents, such as home owners' association rules and regulations of any commonly owned/shared land, detention pond, open space, recreation area, etc. Said documents shall be submitted by the Board to the Board of Selectmen and Town Counsel, and their responses shall be given in writing within thirty (30) days of the date of submittal.

#### **5.5.2 Easements to Be Granted**

All easements to be granted by the developer to the Town shall be shown on the subdivision plans with bearings and distances, and their purpose shall be clearly stated. In addition, the Applicant shall submit recorded easement documents deeding said easements to the Town. The easements shall be submitted by the Board to the Board of Selectmen and the Town Counsel, and their response shall be given in writing within thirty (30) days of the date of submittal.

### **5.5.3 Existing Easements**

If an existing easement will be affected by the proposed subdivision, or if the development will occur in or near an existing easement, the developer must get written approval from the easement holder in order to proceed on any activity in or near the easement. Written approval from the easement holder must be submitted to the Planning Board prior to final approval.

### **5.6 Review Procedure**

The Planning Board will transmit copies of the Definitive Plan to Town Officials, other than the Board of Health, as follows:

1. Conservation Commission;
2. Department of Public Works;
3. Fire Department;
4. Police Department; and,
5. Building Department.

Before the Definitive Plan is approved, the Board will request written statements within thirty (30) days from the above officials with regard to the proposed improvements in the following respects:

1. Conservation Commission as to potential involvement with Massachusetts General Laws, Chapter 131, Section 40, and the effects of the subdivision on streams, wildlife, and similar considerations within the scope of the Conservation Commission.
2. The Department of Public Works as to the design of the street system, location of easements, monuments, drainage systems, water systems, sewage systems, and their appurtenances, and relationship to existing water and drainage systems. In addition, certification as to the materials conforming with that being used by the Town.
3. The Fire Department as to the location of hydrants, installation of the alarm system and emergency access.
4. The Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.
5. The Building Department as to conformity of lots and other zoning regulations.

### **5.6.0 Review by Board of Health**

In addition to the above, at the time of the submission of the Definitive Plan with the Planning Board, two (2) copies shall also be filed with the Board of Health. The Board of Health shall, within forty-five (45) days of submission,

report to the Planning Board in writing, its approval or disapproval of the plan as required by Massachusetts General Laws, Chapter 41, Sec. 81U. A copy of such report shall be sent to the Applicant. If the Board of Health disapproves of such plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustments thereof. Approval by the Planning Board shall then only be given provided that the Applicant certifies that he/she has reviewed his/her plan with the Board of Health, and only on the condition that the designated lots of land shall not be built upon or served with utilities (including septic tanks and drainage) without prior consent of the Board of Health. The Planning Board shall endorse on the plan such conditions specifying the lots or land to which such condition applies. Failure of the Board of Health to report within the forty-five (45) days, shall be deemed approved by the Board of Health. In the event approval by the Board of Health is by failure to make a report, the Planning Board shall note on the plan that Health Department approval is by failure to report.

## **5.7 Public Hearing**

Before taking any action to approve, modify and approve, or disapprove the Definitive Plan the Board shall hold a Public Hearing. Said Public Hearing shall be held after the Board of Health makes its report or after the 45-day period to report expires. Parties in interest shall have an opportunity to be heard, in person or by agent or Attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification shall be published in a newspaper of general circulation in the Town of East Longmeadow once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the Applicant and to all owners of land within three-hundred (300) feet of the property line of the land shown on the plan as shown on the most recent tax list, at the expense of the Applicant.

### **5.7.1 Planning Board Procedure**

The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the Applicant will be that as set forth in Massachusetts General Laws, Chapter 41, Section 81-U, as amended.

The Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension, and that all other purposes of the General Laws are met. The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements/conditions designed to promote the health, convenience,

safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be part of the plan.

In determining whether or not the Plan conforms to these Regulations, the following criteria shall be considered:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location, as proposed in the Definitive Plan, does not entail unwarranted hazard to the health, safety or welfare of future residents of the subdivision or to others because of possible natural disasters, traffic hazard, or environmental degradation;
3. Conformity with the Design Standards included in or cited by these Regulations;
4. Conformity with all applicable zoning requirements; and,
5. Consistency with the purposes of the Subdivision Control Law.

#### 5.7.2 Approval or Disapproval

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the Applicant. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Board and to the recommendations of the Board of Health. In the event of disapproval, the Board shall state in detail wherein the plan does not conform to these regulations or the recommendations of the Board of Health. Favorable action shall require a majority vote of the Board members. If the Board modifies or disapproves such plan, it shall state with its vote the reasons for the action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's certificate of approval (Form C-1) or disapproval (Form C-2), as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be subject to the construction specifications contained herein and to the rules and regulations of all Town Boards and the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the Applicant.

#### 5.73 Time limits for action by the Board

Where a preliminary plan has been submitted and acted upon or where at least forty-five (45) days have elapsed since submission of the preliminary plan, an Applicant may file a Definitive Plan. The failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a Definitive Plan submitted by an Applicant within ninety (90) days after such submission, or ninety (90) days after the postmarked date if the Plan is submitted by mail, or such further time as may be agreed upon at the written request of the Applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed immediately by the Planning Board with the Town Clerk.

Where no preliminary plan has been submitted and acted upon or where forty-five (45) days have not elapsed since submission of such preliminary plan, and a Definitive Plan is submitted, the failure of the Planning Board to take final action regarding a plan submitted by an Applicant within one hundred thirty-five (135) days after such submission, or one hundred thirty-five (135) days after the postmarked date if the Plan is submitted by mail, or such further time as may be agreed upon at the written request of the Applicant, shall be deemed to be an approval thereof. Notice of any extension of time shall be filed immediately by the Planning Board with the Town Clerk.

#### 5.7.4 Approval is Not Acceptance

Approval of the Definitive Plan, or subsequent release of security upon completion of construction, does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision. Compliance with the existing Laws of the Commonwealth and bylaws and procedures of the Town of East Longmeadow are all required before acceptance of any street or easement. Such acceptance is at the discretion of the Town.

#### 5.7.5 Time for Completion

If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the Applicant, or so required by the Board, any bond may be enforced and any such deposit may be applied by the Planning Board for the Benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time, unless an extension of time is granted by the Board.

#### 5.7.6 Endorsement of the Plan

The endorsement of the plan approval by the Board shall be valid for a period of three (3) years from the date of said endorsement, provided however that said plan has been duly recorded within six (6) of the original endorsement. Prior to the expiration of the three (3) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the three (3) year approval period shall result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The first extension shall not exceed two (2) years. Additional extensions after the first may be applied for but shall not exceed one (1) year.

A plan which has been approved, or approved with modifications, shall be endorsed by a majority of the members of the Board, on a reproducible drawing of the Definitive Plan in a form acceptable to the Registry of Deeds within thirty (30) days of the following:

1. The expiration of the twenty (20) day appeal period without notice of appeal to the Superior Court, or, if an appeal has been taken, the expiration of twenty (20) days after the entry of a final decree of the court sustaining the approval of such plan;
2. Payment to the Town for any and all costs relating to consulting services rendered and/or any other expenses incurred by the Town on behalf of the Applicant up to the time of approval of the plan.
3. The developer has, pursuant to Section 5.3 of these Regulations, provided the Town with a satisfactory performance guarantee (within thirty (30) days after the twenty (20)-day appeal period has expired), and the guarantee has been accepted by the Board.
4. Whenever applicable, the necessary corrections on the plan, easements, master deeds, restrictive covenants, etc., have been made (if conditional approval was given to the satisfaction of the Board).

**Failure of the Applicant to meet all the above requirements shall be full and sufficient reason to withhold endorsement.**

#### **5.7.7 Recording of Plan Board**

Pursuant to the provisions of M.G.L. Chapter 41, §81X, the Applicant shall file all pertinent pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds within six (6) months of endorsement date, and shall notify the Board in writing presenting evidence of the recording of the plan and covenant within ten days of said recording. The Applicant shall deliver to the Board, four (4) copies of the approved and recorded Definitive Plans, a copy of an affidavit filed by the owner stating the title to the premises shown on said plan and appurtenances thereto are in the name of the Applicant and are free of all encumbrances or with encumbrances as set forth, before any building permits in the subdivision may be issued.

The Planning Board shall file one print of the Definitive Plan with the Building Inspector, the Superintendent of Public Works and the Town Assessor.

#### **5.8 Modification, Amendment or Recision of Plan Approval**

If the Applicant fails to submit the required performance guarantees and other documents and the endorsement of the plan is delayed more than six (6) months, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

#### **5.9 Acceptance of Ways and Footpaths**

Approval by the Board of a definitive subdivision plan shall not constitute the acceptance by the Town of any streets, bikeways, or footpaths within a subdivision.



## **SECTION VI - DESIGN STANDARDS**

### **6.1 General**

#### **6.1.0 Basic Requirements**

State Construction Standards shall be followed, and all matters left open or undefined in those Standards shall be specified by the Board and the Town Engineer/Superintendent of Public Works on a case-by-case basis.

Specification of matters not covered by the State Construction Standards shall be made by the Board or the Town Engineer on a case-by-case basis, based wherever possible on the publications of the American Association of State Highway and Transportation Officials (AASHTO) or other publications cited in these regulations.

A plan shall be so designed that it will insure that the subdivision will provide maximum livability and amenity.

#### **6.1.1 Street Plans and Access**

Proposed streets shall be in harmony with existing and proposed thoroughfares and streets appropriate to the topography, and designed to afford safe access to the abutting lots, giving due consideration to contours and natural features. They shall be consistent with the master plan of the Town prepared by or being prepared by the Board. Where required by the Board, provision shall be made in the proper locations for the extension of streets to abutting undeveloped land.

Each lot in a subdivision shall have access over frontage on a public way or on a way shown on an approved plan of subdivision.

#### **6.1.2 Lot Size and Frontage**

All lots shall be of such size and dimensions as to at least meet the minimum requirements of the Zoning Bylaw.

#### **6.1.3 Protection of Natural Features**

All natural features, such as large trees (greater than 18 inches in diameter), watercourses, wetlands, scenic points, historic spots, and similar community assets which will add attractiveness and value to the property shall be preserved. (Six (6) inches of top soil shall be replaced on all disturbed earth within the subdivision.)

#### **6.1.4 Re-subdivision**

Re-subdivision of all or part of land covered by an existing plan shall be governed by regulations in force at the time of re-submission. Such re-subdivision shall show clearly the areas being replatted and the file number of all previous plans of these same areas, together with submission dates.

### **6.2 Street Layout and Design Standards**

#### **6.2.0 Location**

1. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
2. If adjoining property is not subdivided but is, in the opinion of the Planning Board, suitable for ultimate development, provision shall be made for proper projection of streets into such property, by continuing appropriate streets within the subdivision to the exterior boundary line thereof.
3. No privately-owned reserve strip which controls access to land dedicated to public use or adjoining property, or which may be so dedicated, will be permitted -- except when, in the opinion of the Board, it shall be in the benefit of the public.
4. Streets shall be continuous and in alignment with existing streets, as far as practicable, and shall comprise a convenient system, with connections adequate to ensure free circulation of vehicular travel. This section is intended to enable the Board to ensure both adequate access to the subdivision from adjacent streets and continuity of travel within the subdivision itself.
5. Efforts shall be made to provide for safe circulation of pedestrians and non-motorized vehicles.
6. Minor streets shall be so located and designed that their use by through traffic will be discouraged.
7. As far as practicable, roads shall follow natural contours.

### 6.2.1 Alignment

1. Visibility from the centerline of a street shall never be less than stopping sight distance as defined by AASHTO (current edition).
2. The vertical alignment at grade changes or minimum stopping sight distance at three and one half (3.5) feet above the pavement shall be as specified by AASHTO (current edition).

### 6.2.2 Street Jogs

Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred (100) feet between their centerlines. This minimum offset shall be observed whenever one or more streets entering opposite sides of another street are existing, whether located within or outside the boundary of the proposed subdivision.

### 6.2.3 Intersections

Streets and ways shall be laid out so as to intersect in accordance with the standards as shown in the following:

1. Except where it is impracticable because of the character of the land, streets shall intersect so that within 75 feet of the intersection, the street lines are at right angles. The grade of intersecting streets shall not exceed plus or minus 2%. No structure or planting that will impair corner visibility will be permitted within 25 feet of street intersections. Intersecting streets entering at angles of between 60° and 120° with the intersected street center line may be approved with greater visibility distances. Ninety-degree intersecting streets are encouraged.
2. The vertical grade of either intersecting street shall not exceed a slope of 3 percent for a minimum distance of 100 feet from the intersection.
3. Street signs bearing approved street names shall be provided and installed by the developer at his/her expense at all street intersections. Signs such as Stop, Yield, No Exit etc. shall also apply. Sign style shall be submitted to the Board for their approval.

### 6.2.4 Storm and Surface Drainage

#### **1. General**

Adequate disposal of surface water shall be provided for in a manner satisfactory to the Planning Board and Town Engineer, and shall address

runoff from the proposed subdivision. Such system may include a system of storm drains, culverts, ditches, under drains, detention basins, drywells, and related installations, including catch basins, gutters and manholes, and shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding, storm water management and standing water from or in the subdivision and adjacent lands. A catch basin to manhole system of drainage is required.

When, in the opinion of the Town Engineer, Conservation Commission and Department of Environmental Protection development of an area will increase runoff to downstream properties, it shall require that an on-site stormwater management system be constructed. Best management practices shall be observed. Such system will be designed to handle the 50 and 100-year storm events and such size shall be determined by using the flood routing procedure as described in the USDA Soil Conservation Service Technical Release No 55. Storm Water calculations shall be prepared by a Registered Professional Engineer using two methods of calculations. One method shall be as described in USDA Soil Conservation Service Technical Release No. 55. Drainage conveyance systems shall be designed using the larger of two calculation capacities.

## **2. Piped Systems**

- a. The construction of the drainage system, including methods of construction and quality of material used, shall be in conformity with the Definitive Plan and Section 200 of the Standard Specifications.
- b. The design capacity of the drains shall be determined by the rational method, unless the engineer exhibits satisfactory evidence that another approach is more appropriate for the specific case. The engineer shall design the drainage system in accordance with natural drainage boundaries of the total contributing drainage area.
- c. Drainage pipe within the roadway shall be reinforced concrete, or ADS all pipe with appropriate joints as approved by the Town Engineer, and have a minimum diameter of fifteen (15) inches. Catch basins to manholes may be 12 inches in diameter.
- d. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Stormwater runoff shall not be permitted to flow upon the road surface for a longer distance than 400 feet before it enters the underground system or is diverted off the roadway to ditches or swales. Catch basins shall be located on both sides of the roadway continuous grades at intervals of not more than 300 feet, at all sags in the roadway, and near the corners of the

roadway at intersecting streets, to prevent surface water from crossing the intersection.

- e. Proper connections may be made with any existing public drainage system within 300 feet of the subdivision, if that system has the capacity to absorb the flows from the project area, and is permitted by the Town Engineer. Cost of all work in the Town way shall be paid by the Developer.
- f. No open water body or pond shall be filled in unless, and no wet or swampy area shall be filled in unless approval has been obtained from the Conservation Commission in accordance with Chapter 131 of the Massachusetts General Laws, as amended.
- g. Where open stream channels exist within a subdivision, adequate provision shall be made for properly protecting and maintaining them. It is the Town's intent to preserve and maintain the natural features of such streams and any development should be planned accordingly. All work shall be done in accordance with Chapter 131 of the Massachusetts General Laws, as amended, and the Massachusetts River Protection Act, as amended.
- h. Drainage pipe shall be bedded in compacted-screened gravel to a depth of 6 inches below the bottom of the pipe in earth. Gravel bedding (not to exceed four minus) shall be carried to the spring line of the pipe. Selected material containing stone no larger than 6 inches shall then be hand placed to an elevation of one (1) foot above the top of the pipe and compacted. Mechanical equipment may be used to backfill the trench above this point.
- i. Catch basins shall be precast, or other approved by the Town Engineer, cast in place, block and a typical detail noting materials, dimensions, and construction details shall be submitted for approval.
- j. Iron casting for catch basin frames and grates shall be extra heavy in accordance with Massachusetts Department of Public Works Standards. Catch basin grates shall be Type A-1 or A-3.
- k. If subdrainage is required, perforated cement, or ADS shall be used in bedding of 3/4 inch to 1 1/4 inch washed stone brought to the spring line of the pipe. Filter fabric with the appropriate sieve shall be placed. The remaining trench shall then be backfilled with coarse bank run gravel or coarse sand.

### 6.2.5 Street Widths

Table 1 - Width of Roads in Local Streets				
<u>Classification</u>	<u>Right-of-Way Width-Feet</u>	<u>Max. Grade</u>	<u>Paved Width</u>	<u>Design Speed</u>
Major (Arterial)	80	5%	44, (2)-30	40 MPH
Secondary (Collector)	60	7%	40	40 MPH
Minor (Lane)	60	9%	30	30 MPH
*Cul-de-Sac/Dead End	60	9%	30	30 MPH

\*excluding turnaround

1. The classification of town streets shall be as designated in the Plan of Circulation, and the classification of new streets and streets not shown on such Plan shall be as determined by the Planning Board.
2. In establishing streets, due respect shall be paid to the prospective character of different subdivision, whether open residence, dense residence, business or industrial, and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly.
3. The following standards shall apply:
  - a. Streets designed to serve business and industrial areas shall have 60-foot right of way width and 40-foot paved width.
  - b. Street grades shall be not less than 0.5% to assure proper surface runoff.
  - c. The centerline of the roadway shall coincide with the centerline of the right-of-way unless otherwise requested by the Board.
  - d. The minimum center line radii of curved streets shall be one hundred and fifty (150) feet for minor streets, three hundred (300) feet for collector streets, and five hundred (500) feet for major streets. Greater radii may be required by the Board in order to assure adequate safety for vehicular traffic.
  - e. Reverse curves for minor streets shall have a minimum collecting tangent of fifty (50) feet; for collector streets one hundred (100) feet; and for major streets one hundred and fifty (150) feet. All reverse curves shall be separated by tangents as above specified.

#### **6.2.6 Cul-de-Sacs/Dead-End Streets/Turnarounds**

- 1. Cul-de-sac streets shall not be longer than nine hundred (900) feet unless in the opinion of the Planning Board greater length is deemed necessary by virtue of topography or other circumstances. Cul-de-sac streets will not be permitted by the Board, if in its opinion, proper safety with regard to vehicular traffic cannot be afforded by the construction of a cul-de-sac street.**
- 2. Turnarounds: Cul-de-sac streets shall be provided with a closed-end turnaround having an outside roadway diameter of at least ninety (90) feet and a property line diameter of at least one hundred twenty (120) feet.**
- 3. If applicable, future maintenance of an island within the cul-de-sac will be the responsibility of the Developer or a Homeowners' Association. See Section 7.8.4.**
- 4. A temporary cul-de-sac shall be allowed only where, in the opinion of the Planning Board, it is essential to the reasonable development of the subdivision and where it is a part of a street or way that eventually will be extended into adjoining property. The design of a temporary turnaround shall be satisfactory to the Planning Board, and clearly shown on the plan as temporary in nature, and such property lines shall be those which would normally have been required or used without the turnaround. No release of cash deposit until permanent road construction completion.**
- 5. Regardless of the above, no temporary cul-de-sac shall be allowed if the street length exceeds the limit set in these Rules and Regulations.**
- 6. Temporary cul-de-sac streets shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.**
- 7. In temporary cul-de-sacs, layout of turnaround beyond the normal street right-of-way lines shall be in the form of an easement to the Town of East Longmeadow covering said premises included in the turnaround. When the Street is extended into adjoining property, the easement shall become null and void. Developer must remove pavement, extend street, and replace with lawn and plantings before release of performance guarantee.**
- 8. Cross Grades in the cul-de-sac shall be 3% + OT - 1/2% sloping from the radius point of the pavement to the outer diameter of the paved surface. Gutter grades shall be shown on the plan.**

#### **6.2.7 Adequate Access from Public Way**

1. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a Town, County or State public way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the subdivider, and/or that the subdivider make physical improvement of access to and within such a way, in accord with the provisions of these Regulations, either from the boundary of the subdivision to a Town, County or State public way, or along such public way for a distance which, in the opinion of the Board, is sufficient to provide adequate access to the subdivision.
2. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to either provide for emergency services or carry the traffic which is expected, in the opinion of the Board, to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening, construction, or signalization shall be borne by the subdivider.

#### **6.2.8 Cross Section**

Street construction shall conform to the Typical Cross Sections demonstrating good engineering practices. The Typical Cross Section shall include the paved roadway, curbing, sidewalks, grass strips, water, sanitary, storm drain, and utilities.

### **6.3 Sidewalks**

See Section 7.2.5 Sidewalks. (11-19-2019)

### **6.4 Storm Water Drainage**

An adequate system of stormwater drainage shall be provided, and no natural watercourse shall be altered or obstructed in such a way as to reduce or increase the natural run-off capacity, unless substitute means of run-off are provided. The Board or Town Engineer may require culverts and other stormwater drainage installations where it deems necessary. All necessary easements for drainage shall be provided, whether on or off the site. Piping shall be supplied to each house lot for sump pumps and curtain drains.



## **6.5 Water Supply**

Board of Health Regulations and Department of Environmental Protection Standards for private and public water supplies shall be met or exceeded.

## **6.6 Municipal Services**

### **6.6.1 Water and Sewer Extensions**

If it is the Developers' intention to connect to the Municipal Public Water and/or Sewer Systems, permits can be obtained at the Department of Public Works. The Developer must apply to DEP for a sewer extension permit. Cost of easements and all work related to the subdivision shall be paid by the developer.

### **6.6.2 Fire Hydrant Markers**

Markers showing placement of fire hydrants shall be provided. Markers shall be spring base bolt on fiberglass rod. Markers should also be shown on typical road cross-section.

## **6.7 Parks and Open Space**

### **6.7.1. Recreational Areas**

Before approval of a plan, the Board shall in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes, or for providing light and air. Such parks shall be not unreasonable in area in relation to the amount of land being subdivided and the prospective uses of such land. The parks and open space shall be consistent with the Town's open space and master plan requirements. When so determined, said Board shall, by appropriate endorsement on the plan, require that no building may be erected on such park or parks land for three years without approval of the Board.

### **6.7.2. Unimproved Open Space**

The plan will in all respects comply with the open space areas shown in the Town of East Longmeadow's current master plan. Such open space may be maintained in the following manner at the option of the Planning Board:

- a. Deed to the Town of East Longmeadow
- b. Easement to the Town of East Longmeadow
- c. Deed to a Homeowner's Association
- d. Deed restriction

### **6.7.3 Farmland Buffer**

If the subdivision abuts any property, all or part which in the current year or in the three preceding years, is classified as agriculture or horticulture land under M.G.L. Chapter 61A, or has been used in the last year as cropland, pasture hay meadow, or orchard as determined by the Planning Board, an open space buffer strip of not less than twenty five feet (25') shall be shown on the plan. This buffer will remain in its natural state and, at the option of the Planning Board, may be in the form of a(n):

- a. Deed to the Town of East Longmeadow
- b. Easement to the Town of East Longmeadow
- c. Deed to a Homeowner's Association

## **6.8 Landscaping**

Appropriate reseeding and replanting of the non-paved areas of street right-of-ways is a component part of the construction of a subdivision, and is to be completed by the subdivider.

1. Existing vegetation shall be disturbed to a minimum. Except when necessary to conform to road, driveway and drainage standards or to eliminate blind intersections or poor site lines at curves, major earth movements shall be avoided. Drainage ditches wherever possible shall be graded to resemble natural streams.
2. In construction areas of the right-of-way topsoil shall be removed and spread over land exposed during grading operations. Shoulders and graded slopes shall be seeded on completion, planted with shrubs or given similar approved landscape treatment. Topsoil shall not be removed from the site.
3. At entrances to subdivision from major roads and along other portions of the right-of-way, the Board may require the planting of groups of shrubs and trees for esthetic effect and as an inducement to new homeowners to enhance their property.
4. Diseased and dead trees within street right-of-ways shall be removed by the developer, and healthy existing trees shall be preserved where possible. The subdivider shall provide either by preserving existing trees or planting new trees, one tree for each 40 feet of street length, not less than 8 feet tall and 1 1/2 inch diameter, on each side of each street, of a species approved by the tree warden and the wire-using utilities.
5. No tree or shrub branches that will interfere with corner visibility will be permitted on any street within 30 feet of a corner intersection.

6. The tree belt "the area from the top of the berm to boundary of the right of way" shall be graded with a minimum of six (6) inches of topsoil and seeded at a grade of +3%. The driveway grade shall be at a slope of +3% within the right of way.

## **SECTION VII - CONSTRUCTION STANDARDS**

### **7.0 Basic Requirements**

The subdivider shall pay for, provide and install all of the improvements required herein. All work done under this section shall be done under the direction of the Board, the Town Engineer and any consultants appointed by the Board. The subdivider shall promptly reimburse the Town for the full amount of the cost of consultants.

No road constructed for private use may be presented to the Town for acceptance at any time after the effective date of these Road Specifications unless constructed in accordance with the terms of these Specifications.

In addition to the standards specified in the Commonwealth of Massachusetts Department of Public Works: (a) "Standard Specifications for Highways, Bridges and Waterways," current edition, as amended, (to be referred to hereto as the "Standard Specifications"); and (b), "Construction Standards", current edition, as amended (to be referred to hereto as the "Construction Standards", the following minimum specifications shall govern the installation of all roadways, utilities and other improvements in the subdivisions.

### **7.1 Submissions**

The following drawings and data shall be submitted for approval prior to the clearing or grading of any land for or the construction of any roadways, etc.:

- a. Accurate layout of existing and proposed streets, easements or rights- of-way including those for utilities and drainage either on or off-site, with accurate bearings and distances including arc length, radii and central angle of all curves.
- b. Accurate location of monuments with accurate references to the Massachusetts coordinate system.
- c. The location of all existing and proposed stormwater drains, catch basins, bridges, and culverts. Pipe sizes and invert elevations of all drainage structures shall be shown together with outfall into existing sewers or natural watercourses.
- d. Road profiles, showing accurate existing and finish grades. A typical cross section of the entire right-of-way and other road construction plans including drainage structures shall also be submitted.
- e. Watershed data and calculations for the design of drainage structures.

## **7.2 Roadway Construction Standards**

### **7.2.0 Subgrade Preparation**

1. Within the roadway area including driveway aprons, sidewalks, and grass strips, all loam, organic material, clay and soft material shall be stripped from the line of the streets for the full length and width, to a minimum of four (4) feet excavation depth, unless data is shown to indicate current foundation is sufficient. The prepared subgrade shall be formed as a road box, 33 feet wide and 15 ½ inches below finished center line grade and 20 ½ inches below finished grade at the edges of the box subgrade.
2. When fill is placed, it shall be placed and compacted in layers not deeper than twelve (12) inches loose, except the last layer which shall not exceed four (4) inches in depth.
3. The fill shall be ordinary borrow specified and placed as in the relevant provisions of Section 150 of the Standard Specifications.
4. The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street-Cross Section.
5. Upon completion of the subgrade preparation, an inspection by an engineer so appointed by the Town shall be required and in no case shall the gravel base begin until the subgrade preparation has been approved as described in Section 7.9 and in the Subdivision Inspection Checklist (Form E appended hereto).

### **7.2.1 Gravel Base**

1. The gravel base shall be gravel borrow meeting M1. 03.0 Type a specifications, except that the top four (4) inches shall be gravel borrow meeting M1.03.1 specifications.
2. When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.
3. The gravel borrow shall be laid to a depth indicated in the Typical Street-Cross Section.
4. All gravel base material shall be thoroughly compacted to a minimum of 95% compaction.

5. The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street-Cross Section.
6. After completion of the gravel base, the Town Engineer shall inspect and in no case shall surfacing of the roadway begin until the gravel base has been approved as described in Section 7.9 and the Subdivision Inspection Checklist (Form E appended hereto.)

#### 7.2.2 Surfacing of the Roadway

The roadway and driveway aprons (edge of road to the right-of-way boundary) shall be paved the entire width, including under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.

No paving shall be applied to frozen gravel base, nor shall any pavement be applied when the local air temperature is less than 40°F., or when any form of atmospheric precipitation is occurring.

All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course when compacted shall have the required thickness and shall conform to grade and the Typical Street-Cross Section.

##### **1. Pavement Binder Course**

The first layer or binder course shall be asphalt concrete of a mix design approved by the Town Engineer, and shall be placed and compacted to a depth of two (2) inches in accordance with Section 420 of the Standard Specifications.

The binder course shall be allowed to set after application for one full winter until the following spring thaw is complete and all the frost in the roadway area has melted and drained off. At that time the owner shall request an inspection by an engineer so appointed by the Town and in no case shall the wearing course be applied until the binder course has been inspected and approved as described in Section 7.9 and the Subdivision Inspection Checklist (Form E hereto appended).

##### **2. Pavement Wearing Course**

The wearing course shall be a mixed design approved by the Town Engineer in accordance with Section 460 of the Standard Specifications.

The wearing course shall be rolled to a smooth surface showing no ridges or depressions from the roller, preserving the proper crown to a depth of one and one half (1.5) inches.

All roadways shall be brought up to the elevations as shown on the Definitive Plan, and all access to underground utilities shall be set flush with the surface of the road, grass strip or sidewalk.

Inspection of the binder course by an Engineer appointed by the Town before laying of the wearer course is required. A leveling course, if needed, shall be laid as directed by the Engineer before laying the wearer course. Tack coating will be applied at the discretion of the Town Engineer.

#### **7.2.3 Shoulders**

Shoulders shall not be allowed in place of sidewalks, curbs and grass strips, unless permission is specifically granted by the Planning Board.

#### **7.2.4 Curbs/Berms**

1. Berms as shown in the Typical Street Cross-Section shall be constructed with a berm machine. Immediately prior to placement of the berm, the surface of the road receiving the curb shall be coated with an approved bitumen.
2. All curbs/berms shall be bituminous concrete curb type A (Cape Cod-standard specifications provisions on 501).
3. Berms shall be installed on both sides of all roads.
4. Under certain conditions, specially constructed berms or gutters may be required by the Planning Board.
5. The berm shall be installed on the binder coarse of asphalt.
6. Granite curbing (as specified in Section 501) shall be installed at all intersections.

#### **7.2.5 Sidewalks**

Sidewalks shall be required. Sidewalks shall be placed on both sides of the street at a width determined by the Planning Board based on the location and need for safe pedestrian circulation. All sidewalks shall conform to the material and construction methods as specified by the Town Engineer or in Section 701 of the Standard Specifications. Sidewalks shall

be shown on definitive plan. Sidewalks shall be constructed before certificate of occupancy is signed. (11-19-2019)

In-lieu financial contributions for the construction of sidewalks may be accepted as approved by the Planning Board and Department of Public Works and deposited into the Town's existing Sidewalk Fund. (11-19-2019)

#### **7.2.6 Street Signs**

Names of proposed streets shall be as approved by the Planning Board to prevent any similarity or duplication of names. Temporary street sign(s) marked "PRIVATE WAY" shall be erected at each intersection at the commencement of construction. At the time of the house construction, permanent street signs bearing approved street names shall be provided and installed by the developer or contractor at his/her expense at all street intersections.

#### **7.2.7 Guide Rails**

Guide rails shall be installed as required by site conditions or by the Board, based on State Construction Standards or the publications of the American Association of State Highway and Transportation Officials (AASHTO). Guide rails shall be SS beam, installed according to standard specifications.

#### **7.2.8 Slopes**

Slopes shall be loamed, rolled, fertilized and seeded with an approved grass seed. Developers shall provide specifications, stabilization and seeding.

### **7.3 Drainage and Drainage Structures**

#### **7.3.0 Responsibility**

The responsibility for adequate drainage shall rest with the developer. This shall include the risk involved in connecting with existing drainage facilities (if any) provided by the Town.

Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. Drainage rights which are appropriate, sufficient, and necessary to handle drainage from the subdivision and adjacent areas shall be secured for the Town.

#### **7.3.1 Groundwater Drainage**

As construction progresses, unforeseen groundwater conditions may be encountered which require additional subdrains or curtain drains. These



conditions include potential problems if construction is in progress at a time of low water table or other dry conditions. The Board reserves the right to require appropriate systems to accommodate the problem. The Town reserves the right to use a portion of the cash deposit to rectify any problems not addressed by the developer.

### 7.3.2 Drainage and Drainage Structures

1. All roads shall be properly drained and sufficient culverts and catch basins installed as approved by the Board of Health in consultation with the Town Engineer. No portion of any road shall drain in one direction more than 300 feet without catch basins on both sides on the road. Culverts shall be sized based upon the following design standards:
  - a. Culverts to be installed to carry runoff from existing streams shall be designed to satisfy requirements of a hundred-year storm.
  - b. Proposed culverts and ditches to be installed for street drainage shall be designed to satisfy requirements of a twenty five-year storm.
2. All drainage pipes shall be at least 15 inches in diameter and installed with a minimum roadway cover of 4 feet, and shall be pitched no less than .005 feet per one foot; for shallow slopes, a cleansing velocity must be maintained. All drainage structures shall be indicated as to size and location on plan profile sheets. In addition, drawings and calculations showing size of watershed area and quantity of water drained by each culvert that either crosses, or is a part of, the roadway drainage system or subdivision drainage system shall be submitted. Drainage rights-of-way through lots shall be at least 20 feet wide.
3. Class A concrete, stone masonry headwalls, or flared end sections shall be located at culvert ends or as approved by the Town Engineer.

### 7.3.3 Catch Basins

#### 1. General

Adequate disposal of surface water shall be provided for in a manner satisfactory to the Planning Board, and shall address runoff from the proposed subdivision. Such system may include a system of storm drains, culverts, ditches, underdrains, on-site management systems, and related installations, including catch basins and gutters and shall be designed and installed to provide adequate disposal of surface water, including control of erosion, flooding, storm water management and standing water from or in each lot in the subdivision and adjacent lands.

When development of an area will increase runoff to downstream properties, an on-site stormwater management system shall be constructed. Such system will be designed to handle the 25, 50 and 100-year storms without increasing downstream runoff above pre-construction conditions, and such size shall be determined by using the flood routing procedure as described in the USDA Soil Conservation Service Technical Release No. 55, and discussions with the Planning Board and Town Engineer. Storm Water calculations shall be prepared by a Registered Professional Engineer using two methods of calculations. One method shall be as described in USDA Soil Conservation Service Technical Release No. 55.

## **2. Piped Systems**

- a. The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and Section 200 of the Standard Specifications.
- b. Drainage pipe within the roadway shall be of a DPW approved material with appropriate joints, and have a minimum diameter of fifteen (15) inches.
- c. Stormwater shall not be permitted to cross any roadway upon the surface but must be piped underground. Stormwater runoff shall not be permitted to flow upon the road surface for a longer distance than 300 feet before it enters the underground system or is diverted off the roadway to ditches or swales. Catch basins shall be located on both sides of the roadway on continuous grades at intervals of not more than 300 feet, at all sags in the roadway, and near the corners of the roadway at intersecting streets, to prevent surface water from crossing the intersection.
- d. Proper connections may be made with any existing public drainage system within 400 feet of the subdivision, if that system has the capacity to absorb the flows from the project area, and approval is given by the Town of East Longmeadow Department of Public Works.
- e. No open water body or pond shall be filled in, and no wet or swampy area shall be filled in unless approval has been obtained from the Conservation Commission in accordance with Chapter 131 of the Massachusetts General Laws, as amended.
- f. Where open stream channels exist within a subdivision, the developer shall follow the provisions of the Massachusetts River Protection Act, as amended. It is the Town's intent to preserve and maintain the natural features of such streams and any development should be planned accordingly.

- g. Drainage pipe shall be bedded in compacted-screened gravel to a depth of six (6) inches below the bottom of the pipe in earth. Gravel bedding (not to exceed four minus) shall be carried to the spring line of the pipe. Selected material containing no stone larger than six (6) inches shall then be hand placed to an elevation of one (1) foot above the top of the pipe and compacted. Mechanical equipment may be used to backfill the trench above this point.
- h. Catch basins shall be precast, cast in place, block and a typical detail of such noting materials, dimensions, and construction details shall be submitted for approval.
- i. Drain manholes shall be located at every change in grade or direction of the drainage line, at catch basin connections, and shall not exceed 300 feet apart in a continuous system.
- j. Iron casting for manhole frames and covers and catch basin frames and grates shall be extra heavy in accordance with Massachusetts Department of Public Works Standards. Catch basin grates shall be Type A-1 or A-3.
- k. Subdrainage shall be constructed using an approved pipe material and used in bedding of 3/4 inch to 1 1/4 inch washed stone.

#### 7.3.4 Culverts and Under Drain Pipe

##### 1. General

- a. In order to replicate the flood control value of undisturbed lands, provide compensatory storage of storm water runoff, and comply with the Town of East Longmeadow Zoning Bylaws, the Town of East Longmeadow may require the construction of on-site storm water management systems. Plans for these systems shall include documentation that:
  - a. their design and construction is in compliance with M.G.L., CH. 131 S. 40; as amended, and,
  - b. their design and construction does not conflict with the Town By laws or Zoning Bylaws of the Town of East Longmeadow; and,
  - c. their design and construction do not conflict with any other laws, rules and regulations, or standards of any government agency which may have jurisdiction in such matters; and,
  - d. their location is not in an area such that the sudden release of water, due to failure, would result in loss of life, injury to persons, damage to residences or buildings or cause interruptions of use or

service of public utilities; and,

- e. their design and construction meet the specifications as noted in the Standard Specifications.

## 2. Contents

The following information shall be required to be submitted as part of the Definitive Plan.

- a. Names and addresses of all abutters to the drainage easement for the basin as they appear in the most recent tax list;
- b. Water courses, ponds, marshes, flood plains, rock outcrop, and other significant natural features within 100 feet of the proposed high water mark (as determined by the 100-year storm frequency);
- c. A drainage area map outlining the watershed area; the map shall show the watershed boundary; the drainage pattern; location of bridges, culverts and other structures that affect the flow of water. location of roads, buildings, property lines and fences or walls; and a north arrow.
- d. A minimum 2-foot contour interval plan with spot grades shown as needed or required to describe the basin and adjacent area: this plan shall be accompanied by a profile of the basin including the principal and emergency spillway and/or outlet with all appropriate inlet and outlet elevations.
- e. Drainage calculations for proposed and existing conditions, done for a minimum 25 year and 100-year storms. Critical volume calculations should be checked by an independent alternate method using both short duration/high intensity and long duration storms.
- f. Soil logs, test pits and percolation tests within the basin area to determine existing conditions of the underlying soil and groundwater; this information shall be shown on a plan, and described in a report certified by Massachusetts Registered Professional Engineer and carry his/her official seal. Groundwater level tests will be considered valid only if they are done between March 1<sup>st</sup> and May 31<sup>st</sup>.
- g. Detail drawings of all structures \*including culverts, trash racks, anti-seep collars, risers, fencing and all other appurtenant works.
- h. Stabilization specifications including seeding, mulching, and rip-rapping.

- i. Construction notes required to assist in layout, construction, and checking of the completed facility.
- j. All drainage design information, drawings and runoff calculations must be prepared, signed, dated, and stamped by a Massachusetts Registered Professional Engineer using standard acceptable engineering methods. The runoff calculations should be based on soil cover conditions expected to prevail during the anticipated effective life of the structure.

A 100-year design frequency storm is required for all storm water detention basins.

- k. The developer must arrange with the homeowners' association for future maintenance of the drainage culverts and detention basins. Refer to Section 7.3.4.3.h.

### 3. Design Standards

#### a. Storage capacity

The capacity of a basin shall be defined as the volume at the elevation of the crest of the spillway which is available for the storage of water during the planned useful life of the structure.

#### b. Shape

- 1. The basin shape shall follow existing contours as closely as possible.
- 2. The bottom of the basin shall pitch a minimum of 1/4 inch per foot toward the outlet.
- 3. The slope from the design high water level to the basin bottom shall not be steeper than a ratio of 3: 1. The approach area to the design high water level shall not exceed a slope of 5:1 for a distance of 25 feet from the high water level.
- 4. All sideslopes shall be properly seeded. If the sideslopes exhibit seepage or movement during construction, then rip-rap stabilization will be required,
- 5. The recommended maximum depth is between 2 1/2 and 5 feet. However, deeper basins may be considered.
- 6. The basin bottom elevation must be at least two (2) feet

above the observed seasonal high groundwater elevation.

7. A 15 foot-wide gravel surface access roadway with a grade no greater than 10% shall be constructed as an access way for the Town of East Longmeadow.

c. Appurtenances

Swales

A paved or rip-rapped swale may be required from the outlet pipe to the inlet pipe.

Inlet and outlet structures

1. The inlet pipe shall be sufficiently stabilized and rip-rapped at its outlet per accepted engineering methods.
2. If the inlet of the outlet pipe is designed with an anti-debris device, then it is recommended that only the lower half of the pipe is fitted with such a device.
3. An emergency overflow shall be provided in case of unexpected circumstances (Note: Retention of storm water runoff is not allowed).

d. Easements

1. Twenty five foot-wide drainage easements shall be provided for all drainage lines discharging stormwater into and carrying stormwater away from the basin.
2. A twenty five foot-wide easement shall be provided around the perimeter of the water mark of the basin.
3. Twenty foot wide access easements shall be provided for vehicle access to the basin. Said easements shall be located in an area which does not exceed a grade of 10% on the approach to the basin, nor exceed a cross grade of 3 %.
4. All easements must be referenced on the deed for the property and recorded in the Registry of Deeds.

e. Landscaping

1. The sideslopes (as required in the Standard Specifications), earthen dams, twenty five foot-wide easement around the entire basin perimeter and other disturbed areas shall be loamed and seeded. Seed shall be a "conservation mix" or

similar mixture which is compatible with the soil and moisture conditions. The area should require minimal maintenance and be kept in a meadow-like condition.

2. All the areas shall be hydroseeded to minimize erosion and promote fast growth.

f. Fencing

1. Fencing may be required by the Planning Board for all detention basins exceeding 2 1/2 feet maximum depth.
2. Specifications shall be as follows:
  - a. materials: zinc-coated steel, 2 inch mesh, 9 gauge;
  - b. gates: 12-foot minimum in width and placed in 2 separate locations as specified by the Planning Board;
  - c. height: 6-foot minimum;
  - d. post set: 10-foot centers in concrete.

g. Signs

At least one sign shall be installed warning the public of hazards of flood water. No individual sign shall exceed 6 square feet.

h. Maintenance

1. A maintenance reserve fund shall be established by the subdivider for unexpected repairs and/or long-term capital costs associated with the detention basin.
2. The maintenance reserve fund shall be set up as an interest bearing account in a local bank under the name of "Town of East Longmeadow (name of subdivision) Storm Water Detention Basin Maintenance Account".
3. The Town Engineer shall recommend to the Planning Board the amount required to establish the maintenance account.
4. The maintenance account shall be established and the deposit book turned over to the Town Treasurer before endorsement of the Planning Board's approval of the Definitive Plan.

i. **Ownership**

1. Ownership of the detention basin shall remain with the owner of the lot(s) on which the basin is located.
2. The Town of East Longmeadow shall have the right to enter and re-enter the detention basin area for purposes of maintenance
3. The Town shall have the right to hire a consultant to maintain a basin and shall be reimbursed for consultant fees by homeowners' maintenance account.

j. **Construction**

1. The detention basin is to be constructed prior to the initiation of the construction of the roadway.
2. Such basin shall function as a sediment basin during initial construction of the roadway.
3. All silt must be removed from the basin and disposed of properly prior to the accepting of the road and associated easements by the Town.
4. The sign as required in the Standard Specifications shall be created during the initiation of construction and utilization of the basin as a sediment basin.

**7.4 Monuments/Survey Markers**

1. Monuments shall be placed at points of curvature and tangency and angle points of rights of way and easement boundaries.
2. Monuments shall be of stone or reinforced concrete, not less than 4 inches square and at minimum, 30 inches long, with a brass or copper plug, drill hole, or cross marking and be set flush with finished grades.
3. All monuments shall be located by a Registered Surveyor and installed by the developer or contractor at his/her expense.
4. Installation of appropriate survey markers at all property lot corners and other locations as shown on definitive plan.



## **7.5 Utilities Other Than Drainage Structures**

### **7.5.0 General Standards**

The installation of utilities and underground structures shall conform to the following general standards:

1. All public and private sewers, surface water drains, water and gas pipes, electric, telephone and Cable TV lines, together with their appropriate structures, within the street right-of-way, shall be placed underground.
2. All underground utilities shall be installed before the asphalt base course.
3. The location of the utilities shall conform to the Definitive Plan and the Typical Street-Cross Section.
4. Material used surrounding and supporting pipes and conduits in the utility trenches shall be screened gravel compacted at least six (6) inches in diameter around pipes, unless the trenches are in ledge, or other unsuitable material which requires eighteen (18) inches of the compacted, screened gravel.
5. Gravity sewer lines shall be true to line and grade with no horizontal or vertical curvature permitted.
6. Footing drains, roof drains or storm water drains shall be connected to the storm drainage system.
7. All underground utilities shall be properly inspected, tested and approval given by respective utility representative and Planning Board representative before the back filling of trenches and placement of gravel base courses and pavement.
8. The water and sanitary sewer systems shall be tested and approved prior to installation of gravel.
9. All lot connections shall be installed to the right-of-way line, and marked or surveyed so as to be easily located in the future. Ties shall be provided to the DPW by the developer.
10. Placement of printed underground tape, designating buried metallic pipe, 12 inches - 18 inches above such pipework.
11. Placement of printed detectable tape 30 inches - 36 inches below proposed finished grade and above non-metallic pipework.

### **7.5.1 Water**

1. The Applicant shall make provisions to serve every lot with an adequate supply of potable water approved by the Board of Health.
2. A laboratory test of the water quality shall be required and submitted to the Board of Health for all private on-site systems.

### **7.5.2 Gas**

Gas mains shall be laid along the south and west tree belt and tracing tape placed 12 inches above such pipework. As shown in the Standard Road Section layout and in accordance with specifications of the local Gas Company. In no case shall any pavement of roadway be begun until all gas mains and laterals are completed under affected portion of the roadway.

### **7.5.3 Electrical, Telephone and Other Wires**

All electrical, telephone, fire alarm, cable TV and other wires and cables shall be installed underground, unless in the opinion of the Planning Board and the appropriate utility company, such installation is impractical or not in the best interest of the Town.

## **7.6 Retaining Walls**

Retaining walls shall be installed on private property where deemed necessary by the Board and they shall be designed by a registered engineer.

## **7.7 Final Cleaning**

Upon suspension or completion of the work or any portion thereof, the developer or contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his/her operations. All ditches shall be filled, all drains and catch basins cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat and clean condition.

## **7.8 Trees and Plantings**

### **7.8.0 Existing Trees**

Trees on the site, especially those over eighteen (18) inches in diameter should be preserved. Following is a list of recommended measures for the protection of trees:

1. There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
2. No grading or filling should be done within the drip line.
3. Supplemental irrigation should be provided to all trees as needed during the summer months to insure healthy maintenance.
4. No black top paving or vehicle parking shall be located under evergreen trees. No more than twenty (20) percent of the area under any deciduous tree's natural drip line may be so paved.
5. All drainage from paved areas should be directed away from root zones.
6. Any trees that die within two years of construction must be replaced within one year of their death.

#### **7.8.1 Street Trees**

1. The subdivider is required to plant suitable broad-leaved deciduous shade trees along roads, or ways, unless specifically exempted by the Board. All trees shall be the equivalent of well-rooted nursery-grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound.
2. Acceptable types of street trees may be selected from a list available from the Tree Warden.
3. Trees shall be at least eight (8) feet tall and with a minimum diameter of one and a half inches one foot from the ground, spaced at intervals of 40 feet. Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side. If overhead wires are present, trees to be planted along the same side as such wires should be planted within the setback area of the property rather than adjacent to the paved way.
4. Planting operations shall be as specified in Section 8, Subsections A, C, E, and F of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines-- Associated Landscape Contractors of Massachusetts.
5. Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.

6. The subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full growing season.

#### **7.8.2 Bank Plantings**

1. All cut or fill banking that tend to wash or erode shall be planted with suitable, well-rooted, and low-growing plantings. All plants shall be the equivalent of nursery grown stock in good health, free from injury, harmful insects, and diseases.
2. Suitable planting types shall be submitted to the Planning Board for approval. Such plantings shall include very low-growing (4 inches to 12 inches), low growing (12 inches to 30 inches), and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
3. If bank plantings are of a type which are properly spaced at close intervals, 8 inches to 12 inches of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
4. Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control.
5. The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

#### **7.8.3 Corner Plantings**

Requirements for plantings adjacent to street intersections shall be the same as those for Bank Plantings with the following exceptions:

1. Turf may be provided by seeding as well as by planting sod.
2. Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within thirty (30) feet of the intersection of the curbs adjacent to the corner lot.

#### **7.8.4 Cul-De-Sac Plantings**

In every cul-de-sac island, low maintenance, weather and salt resistant shrubs shall be planted by the developer. Any plant that dies shall be replaced within one growing season by the developer. Some amount of the

cash deposit shall be used by the Town to replace such plants if the developer does not replace them.

## **7.9 Inspections of Improvements**

Inspections during the work shall be arranged with the subdivision inspector appointed by the Town of East Longmeadow prior to starting construction, who will provide the subdivider with a checklist covering these inspections. The Town Engineer will sign this checklist after satisfactory completion of each step by the developer. Inspections shall be requested at least 48 hours in advance of each inspection by notice to the Town's inspector. Inspections shall be made after each step indicated above.

All documentation of material types for roadway construction and all weight slips for bituminous material shall be furnished to the Town's inspector on request. (see Form E "Subdivision Inspection Checklist" appended hereto.)

## **AMENDMENTS AND REVISIONS**

After duly considering the above amendments and taking testimony in public hearing, the Planning Board closed the Public Hearing on November 19, 2019. With all current Planning Board members present, (Chair Russell Denver, Vice Chair George Kingston, Clerk Tyde Richards, and member Jonathan Torcia), the Planning Board voted unanimously to approve the following changes to the RULES AND REGULATIONS FOR THE SUBMISSION PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS (Revised May 22, 2001):

1. Correct typographical errors under

SECTION VI - DESIGN STANDARDS, 6.3 Sidewalks, ~~Section 7.2.6 Sidewalks~~ (Typo) 7.2.5 Sidewalks

And

SECTION VII - CONSTRUCTION STANDARDS, 7.2 Roadway Construction Standards, ~~7.2.6 Sidewalks~~ (Typo) 7.2.5 Sidewalks

SECTION VII - CONSTRUCTION STANDARDS, 7.2.5 Sidewalks, Sidewalks shall be required. Sidewalks ~~may~~ (Typo) shall be placed on ~~one or~~ both sides of the street at a width determined by the Planning Board based on the location and need for safe pedestrian circulation. All sidewalks shall conform to the material and construction methods as specified by the Town Engineer or in Section 701 of the Standard Specifications. Sidewalks shall be shown on definitive plan. Sidewalks shall be constructed before certificate of occupancy is signed.

2. Establish an In-lieu of Sidewalk Construction Fund, as an alternative to the construction/installation of sidewalks by the applicant/developer.

Proposed Text Amendment:

Amend SECTION VII - CONSTRUCTION STANDARDS, 7.2 Roadway Construction Standards, 7.2.5 Sidewalks to read:

"In-lieu financial contributions for the construction of sidewalks may be accepted as approved by the Planning Board and Department of Public Works and deposited into the Town's existing Sidewalk Fund".

*The establishment of account was supported by Board of Health, Department of Public Works, School Department, and Planning & Community Development Director.*

A true copy of the subdivision rules and regulations must be kept on file in the office of the Planning Board and the office of the Town Clerk. A certified copy of the rules and regulations and any amendments thereto must be sent the register of deeds and the recorder of the Land Court [MGL Ch. 41, §81Q] by the Planning Board.